

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5771 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHENDRABHAI MANIBHAI PATEL

Versus

STATE OF GUJARAT

Appearance:

MR YATIN SONI for Petitioner

Mr N D Gohil, APP for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 13/01/97

ORAL JUDGEMENT

Rule. Mr N D Gohil, learned APP waives service of Rule for the respondents.

By way of this application under Section 482 Cr.P.C., the petitioner seeks direction to quash the proceedings against him in CR.No. 13/96 pending in the Court of JMFC, Petlad. It appears that on 20.2.1996,

Kiranbhai Bhailalbhair Patel filed a complaint in the Court of JMFC, Petlad against one Husuben, Truptiben Vasantbhai Patel, Rameshbhai Jethabhai Patel and the petitioner Mahendrabhai M Patel. It is alleged that the original complainant had married with the accused No.3 Truptiben in the year 1990. Out of their wedlock, the accused No.3 gave birth to twins on 18.9.1993. Some disputes took place between the husband and wife. However, the same was compromised in January 1996. It is alleged that the accused No.3 and others have picked up a quarrel against the petitioner and certain forgery has been committed in the date of birth registered with respect to the twins. There is a vague allegation that the accused No.1 to 3 have the support of accused No.4 and 5. I have gone through the complaint, translation of which has been supplied by the learned Advocate for the petitioner. Having read the complaint, the main allegation against the present petitioner is that he is helping the accused persons. From this allegation, no offence is said to have been constituted under sections 420, 465, 466, 467, 468, 471 and section 120-B of the IPC. Thus, the proceedings against the present petitioner is nothing but abuse of process of the Court.

In view of the aforesaid, this application is allowed. The proceedings against the petitioner-Mahendrabhai M Patel in CR.No.13/96 pending in the court of Judicial Magistrate First Class, Petlad are hereby quashed and set aside.

Rule made absolute accordingly.

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